United Nations A/63/934–S/2009/381

General Assembly
Security Council

Distr.: General
24 July 2009

Original: English

General Assembly
Sixty-third session

Security Council
Sixty-fourth year

Agenda items 83 and 109

Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe

Implementation of the resolutions of the United Nations

Letter dated 23 July 2009 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I am writing to you in connection with the letter of the Permanent Representative of Greece to the United Nations, John Mourikis, addressed to you and circulated, at his request, as document A/63/869-S/2009/285 on 3 June 2009.

The Republic of Macedonia notes again with regret the tone adopted by the Government of the Hellenic Republic, as reflected in the letter transmitted by its Permanent Representative.

The Republic of Macedonia further regrets that the Hellenic Republic has failed to provide any of the requested information to substantiate the general allegations on the issues addressed in the letter of the Permanent Representative of the Hellenic Republic of 6 February 2009. The Republic of Macedonia confirms that it is ready to provide necessary clarifications and responses on these issues if and when raised and including, to the extent necessary, in the course of the International Court of Justice legal proceedings.

The Republic of Macedonia refutes all the allegations set out in the letter, in particular the allegations relating to historical matters. The Republic of Macedonia notes with regret that the Government of the Hellenic Republic persists in making unfounded and politicized allegations which do little to enhance mutual trust, dialogue and good-neighbourliness in the region.

The Republic of Macedonia wishes to make clear once again that it fails to see how the common use of the name of historic personalities could in any way be said to be inconsistent with the requirements of the 1995 Interim Accord.

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In accordance with the principles of the Interim Accord, the Republic of Macedonia has repeatedly proposed the establishment of a Joint Macedonian-Greek Committee on Education and History. Such an initiative could contribute to the creation of mutual confidence.

For the avoidance of doubt, the Republic of Macedonia restates its objection to the various claims raised, which are without foundation. The Hellenic Republic has again made no reference to any note verbale that it has communicated to the Republic of Macedonia in the period prior to 3 April 2008 that raises the concerns referred to, including allegations of material breach of the 1995 Interim Accord or any purported notification of the right to take any countermeasures.

The Republic of Macedonia is strongly committed to the purposes and principles of the Charter of the United Nations as well as of the fundamental rights and freedoms enshrined in all relevant United Nations and other international instruments, including the European Convention on Human Rights. The advancement of the cooperation and good-neighbourliness with the Hellenic Republic is among the top priority issues on our foreign policy agenda. The Republic of Macedonia expresses the hope that the Hellenic Republic shares this commitment and will equally observe the said principles and provisions in pursuing its foreign policy agenda.

I would like to reiterate the continued commitment on the part of the Republic of Macedonia to negotiate a mutually satisfactory resolution of the difference that has arisen over its name, in accordance with Security Council resolutions 817 (1993) and 845 (1993).

I should be grateful if the present letter would be circulated as a document of the General Assembly, under agenda items 83 and 109, and of the Security Council.

(*Signed*) Slobodan **Tašovski**
Ambassador
Permanent Representative

United Nations A/63/935

General Assembly

Distr.: General
29 July 2009
English
Original: Russian

Sixty-third session
Agenda item 7
Organization of work, adoption of the agenda and allocation of items: reports of the General Committee

Letter dated 22 July 2009 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement by the Federation Council of the Federal Assembly of the Russian Federation in connection with the seventieth anniversary of the start of the Second World War and request circulation of the statement as a document of the sixty-third session of the General Assembly under agenda item 7 (see annex).

(*Signed*) Vitaly **Churkin**

09-43139 (E) 310709 040809

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Annex to the letter dated 22 July 2009 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the Federation Council of the Federal Assembly of the Russian Federation in connection with the seventieth anniversary of the start of the Second World War

Moscow, 18 July 2009

On the eve of the seventieth anniversary of the start of the Second World War, the Federation Council of the Federal Assembly of the Russian Federation calls on the international community to conduct an honest and unbiased assessment of the causes and consequences of that historic event.

The Second World War, which began on 1 September 1939, was the most terrible tragedy of the twentieth century. It claimed tens of millions of human lives. The memory of its victims must remain pure, untainted by all manner of distortions to suit the current political situation.

History has delivered its verdict: the leaders of Nazi Germany were the main perpetrators of that tragedy. The international military tribunal in Nuremberg characterized their actions in unleashing a war of aggression as the gravest crime against humanity. The international community has recognized that judgement to be final and irreversible.

The Second World War resulted from irreconcilable conflicts between States, their selfish ambitions and their aggressive aspirations, which had been mounting since the early 1920s.

At the same time, it must be remembered that, in pursuit of their own goals, political forces ruling in certain influential European States up until the very beginning of the Second World War impeded the establishment in Europe of an effective collective security system, which in those days was impossible without the Union of Soviet Socialist Republics just as it is impossible without Russia today. Moscow's foreign policy in the 1930s may be viewed in different ways — it is a matter of interpretation; but the indisputable fact is that the Union of Soviet Socialist Republics consistently advocated the establishment of an all-European system of mutual commitments and guarantees to prevent large-scale military conflict. Unfortunately, its position was not supported by other States when Hitler's Germany was unilaterally dismantling the Versailles-Washington system of international relations that came into being after the First World War, or at the time of the Anschluss of Austria, or when with the aim of "appeasing" Hitler he was given the right to decide the future of Czechoslovakia, a sovereign European state.

The Second World War was not only a horrendous ordeal but also a lesson for all humankind, which, having survived that tragedy, built up in the years after 1945 a system of international relations based on the fundamental principles of democracy, mutual respect and renunciation of the use of force, which are the very foundations of the United Nations and other international organizations.

However, on the eve of this painful anniversary, in some European countries, including countries that fought on the side of Hitler's Germany, and in some

international parliamentary bodies, active attempts are being made to reinterpret the real causes of Second World War and to apportion equal responsibility for starting the war to the Union of Soviet Socialist Republics and Hitler's Germany, and at the same time to exonerate those who became Hitler's accomplices, who committed crimes in the territories of the countries occupied by the Nazis and who went down to defeat with the Third Reich.

The Federation Council of the Federal Assembly of the Russian Federation firmly declares such attempts to be an open insult to our multi-ethnic people, who paid the highest price to achieve peace. The moves afoot to revise history are motivated by far-reaching political goals aimed at reconsidering the outcome of Second World War. As a result, they undermine the existing system of international relations and constitute a source of new tensions between European peoples and nations, all of which runs counter to the key principles of international relations and the interests of security and global stability.

The Federation Council of the Federal Assembly of the Russian Federation strongly denounces attempts to interpret historical facts in a tendentious manner as a tool in today's competition for influence in the world.

The Federation Council of the Federal Assembly of the Russian Federation counts on the understanding and support of those who are not indifferent to historical truth and who care about a peaceful future for Europe and the world at large.

United Nations A/63/936–S/2009/409

General Assembly
Security Council

Distr.: General
7 August 2009

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General Assembly
Sixty-third session
Agenda item 13
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-fourth year

Identical letters dated 5 August 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the statement of the Parliament of Georgia on the illegal entry of the President of the Russian Federation, Mr. Dimitri Medvedev, into the Georgian territory occupied by Russia (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Permanent Representative

09-44994 (E) 100809

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Annex to the identical letters dated 5 August 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Parliament of Georgia on the illegal entry of the President of the Russian Federation, Dimitri Medvedev, into the Georgian territory occupied by Russia

16 July 2009

1. The Parliament of Georgia condemns the entry of the President of the Russian Federation, Dimitri Medvedev, into the Georgian territory occupied by Russia as an illegal crossing of the Georgian state border, a step towards final annexation of the occupied Georgian territories and an attempt at legitimization of ethnic cleansing carried out by the Russian Federation.

2. The Parliament of Georgia condemns the blocking of extension of the United Nations and OSCE missions in Georgia by the Russian Federation, which is part of the policy of minimizing international presence in the occupied territories and allowing implementation of aggressive intentions of the Russian Federation.

3. Deployment of the Russian Federal Security Service Border Forces on the so-called borders of the occupied Georgian territories is an attempt at legalizing the de facto "border" established through military occupation infringing basic norms of international law.

4. The Parliament of Georgia condemns the conduct of aggressive, large-scale military exercises in close vicinity of Georgian borders in the summer of 2009, similar to the period preceding the 2008 aggression, as directly threatening the sovereignty and territorial integrity of Georgia.

5. The Parliament of Georgia notes that an attempt by the Russian Federation to annex Georgian territory through military occupation and ethnic cleansing represents a threat not only to the sovereignty of Georgia but to that of the region and Europe at large.

6. The above-mentioned acts are in breach of fundamental norms of international law as well as the Russian Federation commitments, including the declarations of the Budapest (1994), Lisbon (1996) and Istanbul (1999) summits of the OSCE Heads of State and resolutions of Heads of Government of the CIS; United Nations Security Council resolutions 849 (1993), 854 (1993), 858 (1993), 876 (1993), 881 (1993), 892 (1993), 896 (1994), 901 (1994), 906 (1994), 934 (1994), 937 (1994), 971 (1995), 993 (1995), 1036 (1996), 1065 (1996), 1096 (1997), 1124 (1997), 1150 (1998), 1187 (1998), 1225 (1999), 1255 (1999), 1287 (2000), 1311 (2000), 1339 (2001), 1364 (2001), 1393 (2002), 1427 (2002), 1462 (2003), 1494 (2003), 1524 (2004), 1554 (2004), 1582 (2005), 1615 (2005), 1656 (2006), 1666 (2006), 1716 (2006), 1752 (2007), 1781 (2007) and 1808 (2008); United Nations General Assembly resolution 62/249 of 15 May 2008 and other resolutions; the Charter of the United Nations; the Helsinki Final Act of 1975; Russia-European Union agreements; resolutions 1633 and 1647 of the Parliamentary Assembly of the Council of Europe.

7. The Parliament of Georgia calls upon the international community to:

7.1 Give adequate legal assessment to the illegal entry of the President of the Russian Federation to the occupied Georgian territory;

7.2 Demand that the Russian Federation carry out de-occupation of the occupied territories;

7.3 Demand that the Russian Federation fully implement the European Union-brokered Ceasefire Agreement;

7.4 Demand that the Russian Federation reverse results of ethnic cleansing;

7.5 Start work towards the deployment of an international policing force on the Georgian territory occupied by the Russian Federation;

7.6 Demand that the Russian Federation grant access to the European Union monitors on the occupied territories;

7.7 Demand that the Russian Federation withdraw recognition of the occupied Georgian territories;

7.8 Demand that the Russian Federation refrain from actions threatening the sovereignty and territorial integrity of Georgia or other neighbouring countries of the Russian Federation.

United Nations A/63/937

General Assembly

Distr.: General
11 August 2009
English
Original: Spanish

Sixty-third session
Agenda item 20
The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Letter dated 3 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 17 July 2009 (see annex) from His Excellency Mr. Hugo Roger Martínez Bonilla, Minister for Foreign Affairs of El Salvador, informing you that within the framework of the inauguration of His Excellency Mr. Carlos Mauricio Funes Cartagena as Constitutional President of the Republic of El Salvador on 1 June 2009, the Government of the Republic of El Salvador and the Government of the Republic of Cuba have decided to announce the restoration of full diplomatic relations between their countries.

I attach herewith a copy of the joint communiqué on the restoration of diplomatic relations between the Republic of El Salvador and the Republic of Cuba (see enclosure), signed by the Minister for Foreign Affairs of El Salvador, His Excellency Mr. Hugo Roger Martínez Bonilla, and the Deputy Minister for Foreign Affairs of Cuba, Mr. Alejandro González Galeano, and request that you should have it circulated as a document of the General Assembly.

(*Signed*) Carlos Enrique **García González**
Minister Plenipotentiary
Chargé d'affaires a.i.

09-45243 (E) 120809 130809

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Annex to the letter dated 3 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General

17 July 2009

I have the honour to inform you that on 10 June 2009, within the framework of the inauguration of His Excellency Mr. Carlos Mauricio Funes Cartagena as Constitutional President of the Republic of El Salvador on 1 June 2009, the Government of the Republic of El Salvador and the Government of the Republic of Cuba decided to announce the restoration of full diplomatic relations between their countries.

In that connection, I have the pleasure to transmit herewith a copy of the joint communiqué signed by me, in my capacity as Minister for Foreign Affairs of the Republic of El Salvador, and Mr. Alejandro González Galeano, Deputy Minister for Foreign Affairs of the Republic of Cuba (see enclosure).

(*Signed*) Hugo Roger **Martínez Bonilla**
Minister for Foreign Affairs

Enclosure

Agreement between the Government of the Republic of El Salvador and the Government of the Republic of Cuba for the restoration of diplomatic relations

The Government of the Republic of El Salvador and the Government of the Republic of Cuba, hereinafter referred to as the "Parties",

Desiring to promote relations of friendship and cooperation between their respective peoples and countries,

Guided by the principles of the Charter of the United Nations, and especially those of respect for the sovereignty, independence, territorial integrity and non-interference in the internal affairs of States, and

Based on their common interests and desire to develop relations of friendship and cooperation,

Agree as follows:

Article 1

The Parties shall restore full diplomatic relations at the embassy level in accordance with the United Nations Convention on Diplomatic Relations of 18 April 1961.

Article 2

The two Parties shall appoint ambassadors and shall afford each other the necessary assistance with a view to the establishment and functioning of the embassies in their respective capitals.

Article 3

This Agreement shall enter into force on the date on which it is signed.

Done at San Salvador, El Salvador, on 1 June 2009 in two original copies in the Spanish language, both texts being equally authentic.

For the Government of the Republic of Cuba:

(*Signed*) Alejandro **González Galeano**
Deputy Minister for Foreign Affairs

For the Government of the Republic of El Salvador:

(*Signed*) Hugo Roger **Martínez Bonilla**
Minister for Foreign Affairs

United Nations A/63/938–S/2009/413

General Assembly
Security Council

Distr.: General
11 August 2009

Original: English

General Assembly
Sixty-third session
Agenda item 12
Prevention of armed conflict

Security Council
Sixty-fourth year

Identical letters dated 7 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit a statement of the Russian Ministry of Foreign Affairs on the anniversary of the tragic events in South Ossetia (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly under agenda item 12, and of the Security Council.

(*Signed*) Igor N. **Sheherbak**
Chargé d'affaires a.i.

09-45396 (E) 130809

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Annex to the identical letters dated 7 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Russian Ministry of Foreign Affairs

6 August 2009

8 August marks the one-year anniversary of the tragic events in South Ossetia. On that night the regime of Mikhail Saakashvili made an ignoble and inhuman attack on its peaceful inhabitants and also on the Russian peacekeepers that had for many years defended the peace and security of the peoples living in the fragile Transcaucasian region.

During the Georgian aggression inhuman types of weapons were massively used — including cluster munitions, volley-fire systems, and 500-kilogram bombs. As a result hundreds of peaceful inhabitants of Tskhinval and neighbouring settlements and dozens of Russian military men, including peacekeepers, died, and the number of wounded and injured is immeasurably greater. To identify many of the dead does not appear possible to this day. The scale of destruction was truly appalling.

The enormous number of human casualties and the appearance of thousands of refugees attest to the fact the fact that this was neither a mistake nor a fortuity by pre-planned criminal actions. The trophy documents of the Georgian army, including the notorious Clean Field plan, unequivocally corroborate this.

Russian citizens experience anger and pain, recalling the events of last August. We mourn together with the South Ossetian people, pay a tribute to the memory of the dead, and promise to continue helping all those who suffered during the conflict.

The tragic events in South Ossetia have again demonstrated to the whole of the international community that there is no alternative to peaceful negotiation methods of resolving disputes and conflicts — unfortunately, at the cost of innocent lives. There is no forgiveness for that, nor can there be. The war criminals must suffer an appropriate punishment. The modern history of Europe knows of quite a few examples on that score.

Georgia's barbaric aggression against the former part of its own State has vividly highlighted the profound cracks in the then existing system of European security. It proved unable to prevent sudden and wide-scale attacks on the territories that were in the sphere of close attention of major international institutions.

The Russian Federation has been a consistent supporter of the political principles for a peaceful settlement in Transcaucasia, acting as an impartial and honest mediator in the United Nations — and OSCE — brokered talks. For 17 years we performed the crucial peacekeeping functions and were ready — in case of a settlement — to assume the role of a guarantor in the agreements of the conflicting sides. But the Georgian authorities chose to shoot up the territorial integrity of their State from Grad missile systems, thus giving up for lost the restoration of an inter-ethnic community with the neighbouring nationalities. Moreover, in the first days after the Tshkinval bloodshed in the Saakashvili regime further aggravated the

situation as it tried to accuse Russia of unleashing the conflict and continued to threaten its neighbours.

In the circumstances we had no way of ensuring the peace and security of the peoples of South Ossetia and Abkhazia other than recognizing their independence and offering them a free democratic choice of their own State and national development. Russia was the first to find the courage to grasp the objective reality. That was the most effective decision, of benefit to everybody, even those who do not want to acknowledge this.

The presence of our troops and border guards under the bilateral agreements that have been ratified by the parliaments is absolutely legitimate. It provides reliable security for the republics and creates conditions for their independent development. Russia will continue rendering extensive socio-economic assistance to the brother peoples of South Ossetia and Abkhazia, primarily in questions of housing and civil infrastructure reconstruction and assistance in the defence of their States and the protection of their borders.

A year after the Georgian aggression the peoples of Transcaucasia, nevertheless, still experience quite a few challenges and problems. Chief among them remains the policy of revanche and the prospect of a relapse of actions of force by Georgia. Despite the failure of the August adventure, the authorities in Tbilisi apparently do not intend to give up plans for a forcible restoration of the "integrity of Georgia". Therefore we must insist on assuming legal obligation not to use force and such obligations must be unconditionally assumed by Georgia not towards Russia, but towards the neighbour republics of South Ossetia and Abkhazia. Only in this way can Tbilisi restore at least a minimum of trust towards itself on the part of the neighbouring countries and the international community. The agreements on the non-use of force must contain clear-cut guarantees of security for the peoples of South Ossetia and Abkhazia. This will prevent a repetition of the tragedy. All democratic States and peoples must be interested in averting new outbreaks of violence in the region.

It is also hard to overestimate the need for all countries to refrain during a lengthy period from supplies to Georgia of offensive, and ideally all types of, weapons and military equipment. The massive arms supplies from abroad in recent years created in the Georgian leadership an illusion of impunity and all-permissiveness, and engendered the temptation to solve its problems by military means. The perilous consequences of this are now obvious. The international community must demonstrate a responsible approach in this matter and recognize the new geopolitical changes that took place in Transcaucasia after the August events.

Attempts to carry on as if nothing had happened and to ignore the fully sovereign existence of independent South Ossetia and Abkhazia eventually lead to the closure in these countries and Georgia of the international presences that had generally provided useful assistance to the peoples of the region. That was not our choice. Nor does the responsibility lie on Russia for the withdrawal of the international missions, however hard some people may try to present this.

Nevertheless, we believe that given the proper drawing by all parties concerned of the lessons and conclusions from the tragedy of last August the international community can foster and establish constructive cooperation in

Transcaucasia. The main ways for that are laid down by the Medvedev-Sarkozy plan, the provisions of which Russia has been completely and rigorously fulfilling and will continue to fulfil in the future as well. Only by joint efforts can we preserve peace on our European continent.

The events of August 2008 will remain the focus of attention among politicians and political scientists for a long time to come. It is important that the process of their comprehension should not be a hostage to ideologized or bloc approaches but contribute to the search for adequate ways and means of ensuring stability and security in Transcaucasia.

United Nations A/63/939–S/2009/417

General Assembly
Security Council

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13 August 2009

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General Assembly
Sixty-third session
Agenda item 21
Question of Cyprus

Security Council
Sixty-fourth year

Letter dated 10 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Security Council

Upon instructions from my Government and further to the letter dated 5 June 2009 from H.E. Mr. Minas A. Hadjimichael, Ambassador and Permanent Representative of the Republic of Cyprus to the United Nations, I have the honour to draw your attention to new violations of the international air traffic regulations and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded from 1 June to 31 July 2009, as follows.

On 1 June 2009, four F-16 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 2 June 2009, six F-16, two F-4 and five Cougar Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 3 June 2009, one C-130 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 4 June 2009, two Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 5 June 2009, two Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 8 June 2009, two Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 9 June 2009, one F-16 and three Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

Please recycle

On 10 June 2009, one B-200 and three Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 11 June 2009, two Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 12 June 2009, two Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus.

On 14 June 2009, one C-130, one B-200 and one C-160 Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 15 June 2009, three CN-235, one C-160, one Cougar and one AB-412 Turkish military aircraft violated international air traffic regulations nine times and the national airspace of the Republic of Cyprus nine times.

On 16 June 2009, four Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 17 June 2009, one C-160, one CN-235, three Cougar and two AB-412 Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 18 June 2009, one C-160, two CN-235, one Cougar and one AB-412 Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus seven times.

On 21 June 2009, one C-130 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 24 June 2009, twelve F-16, two CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus four times.

On 25 June 2009, two C-160 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 26 and 27 June 2009, one C-160, one C-130 and two Cougar Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 29 June 2009, two F-16 Turkish military aircraft violated international air traffic regulations.

On 30 June 2009, two Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 1 July 2009, one CN-235 Turkish military aircraft violated international traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 2 July 2009, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 4 July 2009, one C-130, one C-160 and one CN-235 Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 6 July 2009, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 7 July 2009, two Cougar and one AB-205 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 8 July 2009, two F-16, two C-160, one B-200 and two Cougar Turkish military aircraft violated international air traffic regulations nine times and the national airspace of the Republic of Cyprus eight times.

On 9 July 2009, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 10 July 2009, two Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 13 July 2009, two F-16, one AB-205 and five Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus three times.

On 15 and 16 July 2009, two C-160, two Cougar and one AB-205 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 16 July 2009, two C-130 and two Cougar Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 17 and 18 July 2009, one CN-235 and one B-200 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 20 July 2009, nine NF-5, two CN-235, one C-208 and two Cougar Turkish military aircraft violated international air traffic regulations nine times and the national airspace of the Republic of Cyprus nine times.

On 21 July 2009, nine NF-5, two F-4, one B-200 and two C-160 Turkish military aircraft violated international air traffic regulations nine times and the national airspace of the Republic of Cyprus eight times.

On 22 July 2009, two F-16, four C-160, one B-200, one C-130 and one Cougar Turkish military aircraft violated international air traffic regulations fourteen times and the national airspace of the Republic of Cyprus thirteen times.

On 24 and 25 July 2009, two CN-235, one C-160 and two Cougar Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 28 July 2009, eight F-16 Turkish military aircraft coming in four formations violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 29 July 2009, two F-16 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus.

On 30 July 2009, two F-16 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus.

On 31 July 2009, two F-16 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On behalf of my Government, I strongly protest the aforementioned violations by Turkey and call for their immediate cessation. Turkey's continuous policy of violating international law and ignoring international norms and regulations continues to severely jeopardize the safety of international civil aviation and further contributes to the sense of insecurity on the island.

Turkey, now serving as a non-permanent member of the Security Council, should abide by the Charter of the United Nations and the Security Council resolutions, and refrain from its attempts to impose the de facto division of Cyprus. Turkey should cease its efforts to upgrade the illegal secessionist entity in the occupied areas of the Republic of Cyprus. Such actions do not contribute to the maintenance of a conducive atmosphere for the full-fledged United Nations-led negotiations of the leaders of the two communities for a viable solution to the problem of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Louis **Telemachou**
Chargé d'affaires, a.i.

United Nations A/63/940

General Assembly

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12 August 2009

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Sixty-third session
Agenda item 159
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 7 July 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to transmit a letter dated 1 July 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter relates directly to the ability of the Tribunal to complete its work.

In his letter, President Byron states that the Russian Federation intends to replace Judge Sergei Aleckseevich Egorov when he resigns from the Tribunal. President Byron requests that, though replaced, Judge Egorov should be permitted to continue to serve at the International Tribunal until the completion of the cases to which he was assigned. The Tribunal would therefore have two permanent judges from the Russian Federation serving at the same time. He also requested that the General Assembly allow derogation from the statutory prohibition against two judges of the same nationality serving at the Tribunal at the same time.

I would be grateful if you could bring the letter from President Byron to the attention of the members of the General Assembly. I would appreciate the Assembly considering this matter at the earliest opportunity in order to provide the Tribunal with the continuity and certainty necessary for the efficient completion of its work.

(*Signed*) **Ban** Ki-moon
Secretary-General

09-45586 (E) 140809

Please recycle

Annex

Letter dated 1 July 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

I am writing to you as a follow-up to my letter of 15 June 2009 in which I explained the need for an additional judge to serve at the International Criminal Tribunal for Rwanda.

In addition to my suggestions to recur to former permanent judges of the International Tribunal for the Former Yugoslavia or to the ad litem judges included in the roster of the International Tribunal for the recruitment of an additional judge, a third possible option has now appeared: The Russian Federation has approached me with the wish to nominate a permanent judge to replace Judge Egorov who has expressed his wish to return to his home country after completion of the cases he is currently assigned to.

In my letter of 23 June 2009 to the Russian Foreign Ministry, I pointed out that the Tribunal would support this request on the condition that the judge would be available to join the Tribunal in the coming two months so that he could be assigned to the remaining new trials which are all supposed to start no later than September 2009.

I have received a reply dated 30 June 2009 indicating that the Russian Federation "accepts[s] the proposal that a replacement judge would commence his or her service within the next two months". With this undertaking in mind, I would therefore support the Russian request for a replacement for Judge Egorov as a permanent judge. This judge should join the Tribunal as soon as possible and join the bench in one or two of the new cases.

Judge Egorov has agreed to submit his resignation to facilitate the process. In order to ensure that he can complete his work on the cases he is assigned to and which are still in judgement drafting phase, the Security Council would need to authorize him to finish these cases, notwithstanding his resignation and notwithstanding article 11, paragraph 1, of the Tribunal's statute. The Security Council used a similar procedure in, for example, resolution 1482 (2003).

(*Signed*) Dennis **Byron**
President

United Nations A/63/941

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International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 26 June 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to transmit the attached letter dated 15 June 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter directly relates to the ability of the Tribunal to complete its work.

In his letter, President Byron requests that the General Assembly:

(a) Allow one judge to engage in another professional occupation in his home country and to work part-time at the International Tribunal while drafting his final judgement;

(b) Permit the Tribunal to recruit an additional ad litem judge from among the former permanent judges of the International Tribunal for the Former Yugoslavia or the ad litem judges of the International Tribunal for the Former Yugoslavia who have not been assigned to any case.

The letter sets out the justification for the requests.

I would be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly. I would appreciate the Assembly considering this matter at the earliest opportunity in order to provide the International Criminal Tribunal for Rwanda with the continuity and certainty necessary for the efficient completion of its work.

(*Signed*) **Ban** Ki-moon
Secretary-General

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Annex

Letter dated 15 June 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

15 June 2009

I am writing to you with an urgent request:

Since my return from New York, I have been informed by Judge Short, the ad litem judge from Ghana serving on the International Criminal Tribunal for Rwanda, that he wishes to leave the Tribunal and is no longer ready to take on the case of *Kanyarukiga*, for which you had appointed him as Presiding Judge. In his letters to me, he refers to health problems and his wish to return to his previous position as Human Rights Commissioner of Ghana.

The decision of Judge Short puts the Tribunal in a particularly difficult situation. As you know, we are currently requesting the Security Council for an exceptional authorization for Judge de Silva to finalize his work at the Tribunal on a part-time basis while taking on judicial work in his home country of Sri Lanka. As Judge de Silva is presiding in a multi-accused trial (*Military II*), in which judgement delivery is expected in mid-2010, only this arrangement can ensure that he will not resign but finalize the work on the judgement.

The situation in connection with Judge Short is similarly difficult. Earlier, he had requested an authorization for part-time work, but in long discussions I had convinced him to stay on and to take over one of the new cases, *Kanyarukiga*. Unfortunately, he has now changed his mind. Judge Short is also sitting on the bench in the *Bizimungu et al.* case, a complex case involving four accused, in which the evidence phase lasted 400 trial days. Judgement delivery is expected in mid-2010. Judge Short is willing to finalize his work on the judgement if he is authorized to take up work again in his home country and to finalize the judgement for the Tribunal on a part-time basis.

With the length and complexity of the *Bizimungu* case in mind, I am left with no choice but to request that the Security Council include Judge Short in the requested authorization for Judge de Silva for part-time work until the delivery of the judgement in the cases to which they are assigned.

The decision of Judge Short not to preside in the *Kanyarukiga* trial has obvious serious implications also for the composition of the bench. All in all, benches still need to be composed for another five new trials to commence in 2009. Currently, only 14 judges are at all available at the Tribunal to take on new cases, but many of them are already handling a workload that does not allow for additional assignments. In particular, assigning presiding judges is difficult: they need to be experienced and have the capacity to handle the particular workload this function involves. I had originally decided against requesting an additional ad litem judge. The new situation, after the decision of Judge Short, with the loss of a presiding judge, makes it, however, unavoidable to request the appointment of another ad litem judge to serve on the Tribunal.

Previous attempts to recruit an additional judge from the available roster of judges elected in 2003 were not successful. All those remaining on the roster, namely, the judges from Sweden, the United Kingdom, the Netherlands and Panama, have been unavailable to take on service at the Tribunal during the current year. The

judge from Malaysia has passed away. The judge from Italy most likely will not be available before the end of October, which creates difficulties for our completion strategy. Several of the new cases have had to be adjourned for a variety of reasons, and it is important for the *Kanyarukiga* trial to commence in August in order not to risk a spillover of the evidence phase into 2010.

Therefore, I would like to request that an additional judge be recruited from among the retired permanent judges of the International Tribunal for the Former Yugoslavia or from among the ad litem judges on the roster of the International Tribunal for the Former Yugoslavia who are available and willing to join the International Criminal Tribunal for Rwanda at short notice. It would be particularly important in this situation to recruit an experienced judge who could replace Judge Short in presiding in the *Kanyarukiga* case and would allow the International Criminal Tribunal for Rwanda to meet the goals of its completion strategy.

(*Signed*) Dennis **Byron**
President of the International Criminal Tribunal for Rwanda

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International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 19 June 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to transmit the attached letter dated 27 May 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex I) and the attached letter dated 29 May 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex II). Both letters relate directly to the ability of the International Tribunals to implement their completion strategies.

In his letter, President Robinson requests that the General Assembly:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

(b) Extend the term of office of judges of the International Tribunal for the Former Yugoslavia;

(c) Authorize the International Tribunal for the Former Yugoslavia to exceed temporarily the statutory maximum number of ad litem judges serving at the Tribunal.

Similarly, President Byron requests that the General Assembly:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

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(b) Extend the term of office of judges of the International Criminal Tribunal for Rwanda.

In addition, President Byron is asking the General Assembly to allow one judge to engage in another professional occupation in his home country and to work part-time while drafting his final judgement, and reconsider the entitlements of ad litem judges.

Both letters provide detailed explanations of and justification for the requests.

I should be grateful if you would bring the attached letters from President Robinson and President Byron to the attention of the members of the General Assembly. Early action is needed in order to provide the International Tribunals with the continuity, stability and certainty necessary for the efficient and effective implementation of their completion strategies. I would therefore appreciate the Assembly considering this matter at the earliest opportunity.

(*Signed*) **Ban** Ki-moon

Annex I

Letter dated 27 May 2009 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

By the present letter, I wish to bring to your attention three issues of importance to the efficient implementation of the completion strategy of the International Criminal Tribunal for the Former Yugoslavia, as contained in Security Council resolution 1534 (2004).

1. Redeployment of trial judges to the Appeals Chamber

The first issue concerns the necessity of redeploying four permanent trial judges from the International Tribunal for the Former Yugoslavia and four permanent trial judges from the International Criminal Tribunal for Rwanda to the Appeals Chamber upon the completion of their trial work to expedite the work of the Appeals Chamber.

The Tribunal has made an assessment of its projected appellate work and concluded that with the current composite of judges serving on the Appeals Chamber it will not complete its work until 2015. With the redeployment of eight additional judges, four from the International Tribunal for the Former Yugoslavia and four from the International Criminal Tribunal for Rwanda, it is estimated that the Tribunal can complete most appellate work by 2012, with four cases utilizing six judges running into July 2013. It is anticipated that the first redeployment of a trial judge to the Appeals Chamber from the International Tribunal for the Former Yugoslavia will take place in October 2010, and the last redeployment will take place with the end of the Karadžić case in February 2012. This proposed redeployment is contained in the Tribunal's 2010-2011 biennium budget submission and it is upon that basis that I bring it to your attention at this time.

2. Extension of the mandate of appeal, trial and ad litem judges

The second issue concerns the necessity of extending the mandate of the Tribunal's ad litem judges, permanent trial judges and appeals judges to allow the Tribunal to complete its outstanding work. Security Council resolution 1837 (2008) extended the terms of office of permanent judges who are members of the Appeals Chamber until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner. It also extended the terms of office of permanent trial judges and ad litem judges of the Tribunal until 31 December 2009, or until the completion of the cases to which they are assigned if sooner. The Tribunal's projections show that some judges will be required for longer periods of time than other judges. Based on those projections, the Tribunal currently estimates that the extensions described below will be required.

The following permanent judges currently assigned to the Appeals Chamber require extensions of their mandates until 31 July 2013, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Patrick Robinson (Jamaica)

Liu Daqun (China)

Theodor Meron (United States of America)

The following permanent judges currently assigned to the Appeals Chamber require extensions of their mandates until 31 December 2012, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Fausto Pocar (Italy)

Carmel Agius (Malta)

The following permanent judges currently assigned to the Trial Chambers and to be redeployed to the Appeals Chamber following the completion of their trials require extensions of their mandates until 31 July 2013, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

O-Gon Kwon (Republic of Korea)

Jean-Claude Antonetti (France)

The following permanent judges currently assigned to the Trial Chambers and to be redeployed to the Appeals Chamber following the completion of their trials require extensions of their mandates until 31 December 2012, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Alphons Orie (the Netherlands)

Bakone Justice Moloto (South Africa)

The following permanent judges assigned to the Trial Chambers require extensions of their mandates until 31 December 2010, or until the trials to which they are assigned are completed, whichever is sooner:

Kevin Parker (Australia)

Christoph Flügge (Germany)

Christine Van den Wyngaert (Belgium) (elected to the International Criminal Court and expected to resign effective 1 September 2009)

Replacement of Mohamed Shahabuddeen (Guyana) (resigned effective 11 May 2009)

The following permanent judge assigned to the Trial Chambers requires extension of his or her mandate until 31 July 2012, or until the trials to which he or she is assigned are completed, whichever is sooner:

Replacement of Iain Bonomy (United Kingdom of Great Britain and Northern Ireland) (resigned effective 21 August 2009)

The following ad litem judges assigned to trials require extensions of their mandates and terms of service where necessary until 31 December 2010, or until the trials to which they are assigned are completed, whichever is sooner:

Pedro R. David (Argentina)

Michèle Picard (France)

Uldis Kinis (Latvia)

Frederik Harhoff (Denmark)

The following ad litem judges assigned to trials require extensions of their mandates and terms of service where necessary until 31 December 2011, or until the trials to which they are assigned are completed, whichever is sooner:

Elizabeth Gwaunza (Zimbabwe)

Flavia Lattanzi (Italy)

Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo)

Árpád Prandler (Hungary)

Stefan Trechsel (Switzerland)

The following ad litem judge assigned to trials requires the extension of his mandate and term of service until 28 February 2012, or until the trials to which he is assigned are completed, whichever is sooner:

Melville Baird (Trinidad and Tobago)

Finally, the Tribunal requests the extension of the terms of office of the following ad litem judges, who are not currently appointed to serve at the Tribunal, until 31 July 2012, or until the completion of any cases to which they may be assigned if sooner:

Frans Bauduin (the Netherlands)

Burton Hall (the Bahamas)

Jawdat Naboty (Syrian Arab Republic)

Raimo Lahti (Finland)

Chioma Egondu Nwosu-Iheme (Nigeria)

Prisca Matimba Nyambe (Zambia)

Brynmor Pollard (Guyana)

Vonimbolana Rasoazanany (Madagascar)

Tan Sri Dato Lamin Haji Mohd Yunus (Malaysia)

3. Assignment of a thirteenth ad litem judge

The third issue is a request that the Tribunal be permitted to go beyond the statutory limit of 12 ad litem judges and call for the assignment of one additional ad litem judge, taking the number of ad litem judges to 13 to allow the Tribunal to commence the Karadžić case in August with a reserve judge. The Tribunal anticipates that in November 2009 it will return to 11 ad litem judges with the delivery of the judgement in the *Popović et al.* case and the departure of two ad litem judges at that time (Kimberly Prost (Canada) and Ole Bjørn Støle (Norway)).

The Tribunal requests that it be permitted to assign up to 13 ad litem judges for the period of 1 August to 31 December 2009.

I should be grateful if you would bring the present letter to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Patrick **Robinson**
President

Annex II

Letter dated 29 May 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to you concerning four issues:

(a) The extension of the mandate of Trial Chamber and Appeals Chamber judges;

(b) The expansion of the Appeals Chamber;

(c) The specific situation of Judge de Silva;

(d) The status of the ad litem judges.

1. Expansion of the Appeals Chamber and redeployment of trial judges

Judge Robinson, Presiding Judge of the Appeals Chamber, and I have agreed on the need to request an enlargement of the Appeals Chamber. We have also agreed that Judge Robinson will make representations in this respect to the Security Council. The enlargement will be essential to provide the necessary resources to deal with the heavy workload to be expected at the appeals level from mid-2010. Among the currently serving seven permanent trial judges at the International Criminal Tribunal for Rwanda, the following four would be available for redeployment to the Appeals Chamber after completion of their cases:

Dennis Byron (Saint Kitts and Nevis)

Khalida Rachid Khan (Pakistan)

William H. Sekule (United Republic of Tanzania)

Arlette Ramaroson (Madagascar)

Judge Sekule and myself have not yet taken a definite decision as to whether to join the Appeals Chamber. In case our places would need to be filled, two options could be envisaged: either additional permanent judges could be appointed to the International Criminal Tribunal for Rwanda or the vacant positions could be left to be filled by judges from the International Tribunal for the Former Yugoslavia.

Attached to the present letter is an overview of the current assignments of all judges currently serving at the International Criminal Tribunal for Rwanda, including the expected dates of judgement delivery in their ongoing cases (see appendix I).

2. Extension of the terms of office of Trial Chamber and Appeals Chamber judges

The terms of office of the International Criminal Tribunal for Rwanda trial judges will currently expire on 31 December 2009, as set out in Security Council resolution 1824 (2008).

All but two of the trial judges currently serving at the Tribunal are sitting in cases in which the judgement drafting will last until at least mid-2010.

The only two judges who intend to finalize the judgement drafting in their current cases by the end of 2009 and who are not available for an extension of their

mandate are Erik Møse (Norway) and Sergei Alekseevich Egorov (Russian Federation). The specific situation of Judge de Silva is explained in section 3 below.

The terms of office of the two International Criminal Tribunal for Rwanda Appeals Chamber judges will currently expire on 31 December 2010, as set out in Security Council resolution 1824 (2008). However, according to current projections, some Appeals Chamber judges will have to serve until 2012 and others until mid-2013 in order to complete all appeal cases. It is therefore necessary to extend their mandate. At this stage, I would request that the Council extend the mandate of the Appeals Chamber judges to 31 December 2011. This extension should also apply to the trial judges who will be redeployed after finalizing their current cases.

Based on the above-mentioned considerations, I request the Security Council to extend the mandate of the currently serving judges as follows:

Permanent judges, Trial Chamber

Dennis Byron	Until 31 December 2011
Khalida Rachid Khan	Until 31 December 2011
William H. Sekule	Until 31 December 2011
Arlette Ramaroson	Until 31 December 2011
Joseph Asoka Nihal de Silva	Until 31 December 2010

Permanent judges, Appeals Chamber

Mehmet Güney	Until 31 December 2011
Andrésia Vaz	Until 31 December 2011

Ad litem judges

Solomy Balungi Bossa	Until 31 December 2010
Lee Gacugia Muthoga	Until 31 December 2010
Florence Rita Arrey	Until 31 December 2010
Emile Francis Short	Until 31 December 2010
Taghrid Hikmet	Until 31 December 2010
Seon Ki Park	Until 31 December 2010
Gberdao Gustave Kam	Until 31 December 2010
Vagn Joensen	Until 31 December 2010
Joseph Masanche	Until 31 December 2010
Mparany Rajohnson	Until 31 December 2010
Aydin Akay	Until 31 December 2010

3. Judge de Silva

Judge Joseph Asoka Nihal de Silva, one of the permanent judges, has indicated that he has to return to his national judiciary. Currently, he is Presiding Judge in the Military II case, a multi-accused trial in the judgement drafting phase. Judgement delivery is not expected before mid-2010.

Judge de Silva has presided in three additional single-accused cases (Muvunyi, Rugambarara and Rukundo) in parallel with the long evidence phase of the Military II trial.

Judge de Silva is fully committed to the completion of the Military II case and to his work during the judgement drafting phase. However, he is asking for permission to return to his country, take on judicial work there and finalize his work for the Tribunal on a part-time basis, returning to Arusha when necessary for deliberations and judgement delivery. Judge de Silva is willing to forego his International Criminal Tribunal for Rwanda salary during the time of part-time work. He has assured me that his obligations in Sri Lanka would not delay the judgement delivery at the Tribunal. As President of the Tribunal, I have accepted his assurances.

Considering the importance of ensuring timely completion of the Military II trial and taking into account the specificities of the situation of Judge de Silva, I request the Security Council to authorize Judge de Silva to work part-time until the delivery of the judgement in the Military II case and to engage in another occupation in his home country.

4. Status of the ad litem judges

The issue of the status of the International Criminal Tribunal for Rwanda ad litem judges has been raised before the Security Council already in the previous completion strategy report and will be addressed again in the next report, which I will present to the Security Council on 4 June.

As appears from the various documents and memorandums on this subject exchanged between the Secretary-General, the Fifth Committee of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions, as well as the General Assembly resolutions on the issue, various entitlements including pension are withheld from ad litem judges on the basis that their service, unlike that of permanent judges, was expected to be of a temporary nature and could be intermittent (see A/55/806, para. 7, which stated: "This essential difference has been taken into account by the Committee [ACABQ] in evaluating the necessity of a number of the entitlements and allowances proposed in the report of the Secretary-General").

However, the initial assumption that ad litem judges would serve intermittently for brief periods only and with a different responsibility from permanent judges did not turn out to be so. The ad litem judges of the International Criminal Tribunal for Rwanda have contributed immensely to the effective functioning of the Tribunal and, more particularly, to the success of the completion strategy. From the inception of their terms of office they were assigned multiple cases and, due to the nature of these cases, they were required to take up permanent residence at the seat of the Tribunal. Through Security Council resolution 1855 (2008), they have been given the additional responsibility of acting as presiding judges because of the

unavailability of permanent judges to undertake this responsibility. Their competencies are now nearly identical to those of permanent judges.

The denial of the benefits mentioned above is therefore no longer justified, and is a matter of grave concern for the ad litem judges, nearly half of whom will have spent more than six years at the Tribunal by December 2009 (see appendix II). In spite of this concern, they have, up till now, continued to perform their functions diligently and steadfastly. The expeditious resolution of this matter is in the overall interest and proper functioning of the Tribunal and the success of the completion strategy.

I should be grateful if you would bring this matter to the attention of the General Assembly and the Security Council for their review of the current situation.

(*Signed*) Dennis **Byron**
President

Appendix I

Current assignments of judges and expected judgement delivery

Judge	*Case*	*Expected judgement delivery*
Permanent Judges		
Dennis C. M. Byron (Saint Kitts and Nevis)	Karemera et al. (presiding)	End 2010
	Kalimanzira (presiding)	Mid-2009
	Muvunyi (re-trial) (to start in June 2009) (presiding)	Second half of 2009
Khalida Rachid Khan (Pakistan)	Bizimungu et al. (presiding)	Mid-2010
	Nshogoza (presiding)	Mid-2009
	Ntawukulilyayo (presiding)	Mid-2010
William H. Sekule (United Republic of Tanzania)	Nyiramasuhuko et al. (Butare) (presiding)	Mid-2010
	Ngirabatware (presiding) (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Erik Møse (Norway)	Renzaho (presiding)	Second quarter of 2009
	Nsengimana (presiding)	Third quarter of 2009
	Setako (presiding)	Fourth quarter of 2009
Arlette Ramaroson (Madagascar)	Nyiramasuhuko et al. (Butare)	Mid-2010
	Hategekimana (presiding)	Early 2010
Sergei Alekseevich Egorov (Russian Federation)	Renzaho	Second quarter of 2009
	Nsengimana	Third quarter of 2009
	Setako	Fourth quarter of 2009
Asoka J. N. de Silva (Sri Lanka)	Ndindilyimana et al. (Military II) (presiding)	Mid-2010

Judge	*Case*	*Expected judgement delivery*
Ad Litem Judges		
Solomy Balungi Bossa (Uganda)	Nyiramasuhuko et al. (Butare)	Mid-2010
	Ngirabatware (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Lee Gacuiga Muthoga (Kenya)	Bizimungu et al.	Mid-2010
	Nshogoza	Mid-2009
	Ntawukulilyayo	Mid-2010
Florence Rita Arrey (Cameroon)	Renzaho	Second quarter of 2009
	Nsengimana	Third quarter of 2009
	Setako	Fourth quarter of 2009
	Munyakazi (presiding)	Mid-2010
Emile Francis Short (Ghana)	Bizimungu et al.	Mid-2010
	Kanyarugika (to start in June 2009) (presiding)	Mid-2010
Taghrid Hikmet (Jordan)	Ndindilyimana et al. (Military II)	Mid-2010
	Hategekimana	Early 2010
Seon Ki Park (Republic of Korea)	Ndindilyimana et al. (Military II)	Mid-2010
	Kanyarugika (to start in June 2009)	Mid-2010
Gberdao Gustave Kam (Burkina Faso)	Karemera et al.	End 2010
	Kalimanzira	Mid-2009
	Muvunyi (re-trial) (to start in June)	End 2009

Judge	*Case*	*Expected judgement delivery*
Vagn Joensen (Denmark)	Karemera et al.	End 2010
	Kalimanzira	Mid-2009
	Muvunyi (re-trial) (to start in June)	End 2009
Joseph E. Chiondo Masanche (United Republic of Tanzania)	Hategekimana	Early 2010
	Kanyarugika (to start in June 2009)	Mid-2010
Richard Mparany M. Rajohnson (Madagascar)	Munyakazi	Mid-2010
	Ngirabatware (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Aydin Sefa Akay (Turkey)	Munyakazi	Mid-2010
	Ntawukulilyayo	Mid-2010

Appendix II

Duration of service of ad litem judges

Judge	*Years of uninterrupted service in December 2009*
Solomy Balungi Bossa (Uganda)	6 years, 4 months
Lee Gacuiga Muthoga (Kenya)	6 years, 2 months
Florence Rita Arrey (Cameroon)	6 years, 2 months
Emile Francis Short (Ghana)	5 years, 7 months
Taghrid Hikmet (Jordan)	5 years, 4 months
Seon Ki Park (Republic of Korea)	5 years, 4 months
Gberdao Gustave Kam (Burkina Faso)	5 years, 4 months
Vagn Joensen (Denmark)	2 years, 8 months
Joseph E. Chiondo Masanche (United Republic of Tanzania)	11 months
Richard Mparany M. Rajohnson (Madagascar)	11 months
Aydin Sefa Akay (Turkey)	11 months

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Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 11 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations from 1 to 31 July 2009 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

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Annex to the identical letters dated 11 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and other activities from 1 to 31 July 2009

Air violations

On 1 July 2009, between 0718 hours and 1915 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah and flying north as far as Nabatiyah. It circled over regions of the South, and departed over Rumaysh.

On 4 July 2009, between 0615 hours and 1155 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over the sea off Sidon and flying east as far as the Bekaa. It circled over Rayak and regions of the South, and departed over Kafr Kila.

On 5 July 2009, between 0645 hours and 1520 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the South, al-Hirmil, al-Arz, Rayak and Baalbek, and departed over Rumaysh.

Between 0720 hours and 1930 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over 'Alma al-Sha'b and flying northeast. It circled over regions of the South, and departed over Rumaysh.

On 6 July 2009, between 1000 hours and 1140 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila. They circled over all regions of Lebanon, and departed over al-Naqurah.

Between 0710 hours and 1850 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South, Rayak, Baalbek and al-Hirmil, and departed over al-Naqurah.

On 15 July 2009, between 1140 hours and 1835 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over 'Alma al-Sha'b and flying north. It circled over the southern regions and Beirut, and departed over al-Naqurah.

On 18 July 2009, between 0800 hours and 2035 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South, and departed over al-Naqurah.

On 19 July 2009, between 0830 hours and 2245 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South and departed over Rumaysh.

Between 1010 hours and 1140 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila and flying north as far as Shikka. They circled over all regions of Lebanon, and departed over 'Alma al-Sha'b.

On 20 July 2009, between 1010 hours and 1145 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila and flying north. They circled over all regions of Lebanon, and departed over the sea off al-Naqurah.

Between 1305 hours and 1345 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over the sea off Juniyah and flying east. They circled between Shikka and Beirut over sea and land, and departed over Yarun.

On 21 July 2009, between 0610 hours and 1540 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over regions of the South and departed over al-Naqurah.

On 23 July 2009, between 0800 hours and 1455 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah and flying north as far as al-Hirmil. It circled over regions of Baalbek-Hirmil, and departed over al-Naqurah.

At 0830 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah and flying north as far as Sidon. It circled over regions of the South, and departed on 24 July 2009 at 0330 hours over 'Alma al-Sha'b.

On 25 July 2009, at 0845 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah and flying north-east. It circled over the regions of Baalbek, Rayak and al-Hirmil, and departed on 26 July 2009 at 0050 hours over Kafr Kila.

On 26 July 2009, between 1020 hours and 1130 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over 'Alma al-Sha'b. They circled over all regions of Lebanon, and departed over Rumaysh.

On 27 July 2009, between 1025 hours and 1215 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila. They circled over all regions of Lebanon, and departed over 'Alma al-Sha'b.

At 1415 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the regions of the South and Beirut, and departed on 28 July 2009 at 0030 hours over Rumaysh.

On 28 July 2009, between 1030 hours and 1115 hours, four enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila and flying north as far as Shikka. They circled over all regions of Lebanon, and departed over Rumaysh.

Between 1040 hours and 1205 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila and flying north as far as Tripoli. They circled over all regions of Lebanon, and departed over al-Naqurah.

Between 0845 hours and 1530 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah and flying north as far as Nabatiyah. It circled over the South, and departed over al-Naqurah.

On 30 July 2009, between 0714 hours and 2040 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the South and Beirut, and departed over al-Naqurah.

Sea violations

On 1 July 2009, at 0105 hours, the Israeli enemy shone a searchlight from its Ra's al-Naqurah position in the direction of Lebanese territorial waters approximately 400 metres north of the first buoy four separate times for five seconds each time.

At 0140 hours, the Israeli enemy shone a searchlight for five seconds from its Ra's al-Naqurah position in the direction of Lebanese territorial waters approximately 400 metres north of the fifth buoy.

On 15 July 2009, at 2215 hours, the Israeli enemy shone a searchlight for five seconds from its Ra's al-Naqurah position in the direction of Lebanese territorial waters and at the Lebanese Army position in Ra's al-Naqurah.

On 16 July 2009, at 2225 hours, the Israeli enemy shone a searchlight for five seconds from its Ra's al-Naqurah position in the direction of a Lebanese fishing vessel located 50 metres inside Lebanese territorial waters opposite the third buoy.

On 24 July 2009, at 2315 hours, personnel at the Lebanese Army's LM-6 observation post on the beach at Qulaylah observed several hot air balloons being dropped over the open sea by an Israeli enemy military aircraft that was not visible.

On 25 July 2009, at 0355 hours, the Israeli enemy fired three warning rounds of medium-weapons fire from its Ra's al-Naqurah position into the air over a Lebanese fishing vessel as it approached to within 30 metres of the first buoy inside Lebanese territorial waters, forcing it to leave the area.

On 26 July 2009, at 0400 hours, from the open sea off Ra's al-Naqurah inside Palestinian territorial waters, an enemy Israeli military launch shone a searchlight for six seconds in the direction of a Lebanese fishing vessel approximately 50 metres from the sixth buoy, thereby violating Lebanese territorial waters.

On 30 July 2009, at 0125 hours, from the open sea off Ra's al-Naqurah inside Palestinian territorial waters, an enemy Israeli military launch shone a searchlight for five seconds in the direction of Lebanese territorial waters.

Ground violations

On 5 July 2009, at 1930 hours, telephone calls were received on mobile phones in the western Bekaa area, offering a 10 million dollar reward to anyone providing information on the Israeli soldiers missing in Lebanon.

At 2033 hours, the Israeli enemy stationed at the Zar'it barracks shone a searchlight for five minutes in the direction of the Lebanese Army position at Jabal Balat (Marwahin).

On 6 July 2009, at 1140 hours, an enemy Israeli patrol stopped at the Fatimah gate in Kafr Kila. Two soldiers disembarked and took photographs of the Lebanese Army position and civilian automobiles.

On 7 July 2009, at 1210 hours, an enemy Israeli patrol took photographs of the *Wardah* rest spot inside Lebanese territory near the Lebanese Army position at Kafr Kila, and departed when it was finished.

At 1600 hours, an enemy Israeli patrol consisting of two jeeps departed the Misgav Am outpost. When it arrived opposite the Lebanese Army checkpoint at

'Adaysah, a civilian disembarked from the forward jeep and began to photograph the checkpoint and the nearby observation post manned by the Indonesian contingent of the United Nations Interim Force in Lebanon (UNIFIL). The photographing went on for approximately two minutes, after which the patrol departed.

On 15 July 2009, at various times, several telephone calls in Hebrew were received from the Israeli enemy on fixed and mobile networks in various regions of the South, offering the sum of 10 million American dollars in exchange for information on the missing Israeli soldiers.

On 17 July 2009, at 2035 hours, the Israeli enemy shone a searchlight for one minute from its Zar'it barracks position in the direction of Lebanese territory.

On 21 July 2009, at 2020 hours, the Israeli enemy shone a searchlight for 20 seconds from its Zar'it barracks position in the direction of the Lebanese Army position in Tarbikha (Marwahin).

On 30 July 2009, at 1405, two dogs from the Israeli enemy's 'Abbad position crossed the technical fence in the direction of Lebanese territory. They were driven back by LM-11 personnel, one of whom fired in their direction without hitting or capturing them.

United Nations A/63/944–S/2009/415

General Assembly
Security Council

Distr.: General
12 August 2009
English
Original: Arabic

General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 11 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel, by air, sea and land, during the month of July 2009 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

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Annex to the identical letters dated 11 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during July 2009

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Crossing of territorial waters and firing of automatic-weapon rounds, flares and flare shells over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts and attacks on and killing of civilians	Gunfire, launching of flare shells, dropping of artillery shells and infiltration and crossing of international borders	Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory			
14	23	—	37	17	—	9	1	10	64	60

United Nations A/63/945

General Assembly

Distr.: General
13 August 2009
English
Original: Spanish

Sixty-third session
Agenda items 56, 64 and 99

Advancement of women

Promotion and protection of human rights

Measures to eliminate international terrorism

Letter dated 10 August 2009 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to denounce the injustice that the Government of the United States of America has once again perpetrated against Ms. Adriana Pérez O'Connor, the wife of Gerardo Hernández Nordelo, who has been unjustly imprisoned in a United States jail for more than a decade. On 15 July 2009, after a wait of 95 days, the United States Interests Section in Havana officially confirmed that the visa requested by Ms. Adriana to travel to the United States had once again been denied.

The Permanent Mission of Cuba to the United Nations wishes to report that the United States Department of State has denied Adriana Pérez a visa 10 times. She has therefore never been able to visit her husband, who, on 12 September 1998, was detained arbitrarily and unjustly sentenced to prison in the United States for crimes he did not commit.

The response of the United States authorities was given to Adriana on the day of her twenty-first wedding anniversary, thereby demonstrating the treacherous and cruel behaviour of the Department of State. Yet, the country styles itself the champion of universal democracy and of respect for the law and human rights.

The crude argument used on this occasion is that Ms. Adriana constitutes a threat to the stability and national security of the United States. This is shameful confirmation that the current Secretary of State, Hillary Clinton, is using the same argument as her predecessor, Condoleezza Rice, to deny Ms. Adriana Pérez her visa.

This decision of the United States authorities violates the country's own law and demonstrates a systematic violation of its international obligations as set forth, inter alia, in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the principles for the protection of all persons deprived of their liberty; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Standard Minimum Rules for the Treatment of Prisoners.

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The conduct of the Government of the United States is not only clearly contrary to universally recognized international norms but is also a systematic and flagrant violation of human rights and an act of torture against Gerardo Hernández Nordelo — unjustly sentenced to two life sentences plus 15 years in prison — and members of his family.

With this further reprisal, the United States Government seeks to break the will and the revolutionary spirit of Gerardo Hernández Nordelo, who, along with René González, Fernando González, Ramón Labañino and Antonio Guerrero, have been serving unjust and arbitrary sentences for a decade for reporting the criminal activity of the terrorist groups that operated and continue to operate with total impunity against Cuba from United States territory.

This decision demonstrates how eager the United States authorities are to punish the five Cuban counter-terrorism fighters for their demonstration of heroism and patriotism to the international community.

Added to the irrational refusal of Adriana's visa and Gerardo's unjust sentence is the fact that the United States Supreme Court recently refused to hear the case, thereby closing off practically all legal avenues for resolving the situation.

On 15 June, after a tortuous and arbitrary trial, the United States Supreme Court decided to ignore the universal and unprecedented call to review the case of the five Cuban counter-terrorism fighters. The judges instead decided to do the bidding of the Obama Administration and, without giving them any consideration, disregarded the sound arguments presented by the defence and a dozen supporting documents signed by 10 Nobel laureates, legislative bodies, hundreds of parliamentarians, prestigious organizations of jurists from a number of countries, including the United States, and human rights campaigners, academics, religious leaders and others representing millions of people on all continents.

By so doing, the Court validated an endless series of violations of the law and legal procedures and became complicit in the policy of promoting and protecting terrorism which was and is the basis of the great injustice perpetrated against our five counter-terrorism fighters. The list of these violations is long and any one of them is sufficient for a ruling to release the accused immediately.

The Permanent Mission of Cuba wishes to recall that for half a century, successive United States administrations have organized and encouraged, or permitted, the commission of numerous terrorist acts against Cuba; these acts have claimed victims among nationals of other countries, including the United States. The behaviour of the current Administration continues the policy of guaranteeing impunity to terrorists strolling in the streets of Miami, such as Luis Posada Carriles and Orlando Bosch, who were responsible for the mid-flight destruction of a civil aircraft that killed 73 people, while it cruelly punishes those who, without harming anybody, gave their youth to prevent the misdeeds of those and other criminals.

The Permanent Mission of the Republic of Cuba to the United Nations strenuously rejects the refusal of a visa to Adriana Pérez O'Connor and determines the suffering imposed on Adriana and Gerardo to be a truly cruel act. Therefore, we demand that the Government of the United States grant Adriana Pérez a humanitarian visa immediately so that she may visit her husband.

The Permanent Mission of the Republic of Cuba to the United Nations transmits herewith the "Appeal to the parliaments and peoples of the world", approved by the National Assembly of the Republic of Cuba.

I have the honour to request that this letter, and its annex, be circulated as a document of the General Assembly in all official languages under the agenda items entitled "Promotion and protection of human rights", "Advancement of women" and "Measures to eliminate international terrorism".

(*Signed*) Abelardo **Moreno Fernández**
Ambassador
Permanent Representative
Permanent Mission of Cuba to the United Nations

Annex to the letter dated 10 August 2009 from the Permanent Representative of Cuba addressed to the Secretary-General

[1 August 2009]

Appeal to the parliaments and peoples of the world

Gerardo Hernández Nordelo, Ramón Labañino Salazar, Antonio Guerrero Rodríguez, Fernando González Llort and René González Sehwerert will soon have been unjustly imprisoned for 11 years.

On 15 June, after a tortuous and arbitrary trial, the United States Supreme Court decided to ignore the universal and unprecedented call to review the case. The judges instead decided to do the bidding of the Obama Administration and, without giving them any consideration, disregarded the sound arguments presented by the defence and a dozen supporting documents signed by 10 Nobel laureates, legislative bodies, hundreds of parliamentarians, prestigious organizations of jurists from a number of countries, including the United States, and human rights campaigners, academics, religious leaders and others representing millions of people on all continents.

By so doing, the Court validated an endless series of violations of the law and legal procedures and became complicit in the policy of promoting and protecting terrorism, which was and is the basis of the great injustice perpetrated against our five compatriots. The list of these violations is long and any one of them is sufficient for a ruling to release the accused immediately.

Immediately after capturing them, in the early hours of Saturday, 12 September 1998, the FBI informed the representatives of the terrorist mafia and the Miami media, who then launched an intense and incessant campaign of hate and slander, falsely accusing them of being "spies" and conspiring with the Government to incorporate the incident of 24 February 1996 into the charges after they had spent more than six months in prison.

For the 17 months following their arrest they were kept in solitary confinement, in punishment cells, cut off from the outside world, in violation of the very United States prison regulations that restrict such treatment to a maximum of 60 days and to dangerous criminals who have committed serious offences while in prison. This cruel procedure has been used on them several times since then, without any justification, in order to hamper their defence. They were locked in that dreadful "hole" for several weeks in June 2001, when they should have been preparing for their only opportunity to address the Court at the end of the trial. They again endured the infamous double incarceration, in even harsher conditions, for the whole of March 2003, which coincided exactly with the deadline for submitting appeals to the Atlanta Court.

For more than 10 years, they and their defence attorneys have faced great obstacles in exercising their rights. They were denied access to much of the evidence supporting the fraudulent accusations against them, and rejecting more than 10 defence motions before the trial began. They are being kept in five separate prisons, far apart and in remote areas of the United States, which makes communication with their lawyers very difficult. In addition, on several occasions,

always at decisive moments in the trial, the legal correspondence they needed to formulate their appeal failed to reach them or was delayed. Gerardo Hernández Nordelo never received the documents related to his appeal to the Supreme Court sent to him by registered mail at the beginning of this year. This clear and inexcusable violation of the rights of the prisoner and his defence attorney is one more in a long list of obstacles to Gerardo's communication with the outside that persist in spite of the numerous Cuban complaints to the United States authorities.

The sham trial was a macabre farce throughout. The Government insisted that it should be held in Miami, even though it coincided with the scandalous kidnapping of Elián González, a six-year-old child, for whose rescue special forces had to be sent in from Washington since all the local authorities and agencies were in league with the kidnappers. The District Attorney's Office even refused to transfer the trial to the neighbouring city of Fort Lauderdale, half an hour away.

The Government blatantly lied when it alleged that Miami was an appropriate location at that time, in the midst of the hostile and threatening atmosphere created by Elián's kidnappers even though, several years later, in 2002, when its employees were facing a civil suit, it requested a change of venue, reasoning that nothing, even something far less significant and only indirectly related to Cuba, could receive a fair trial in Miami (Ramírez vs. Ashcroft, 01-4835 Civ-Huck, 25 June 2002). The issue of the refusal to change the venue and the prevailing climate there led the panel of judges in Atlanta, on 9 August 2005, to unanimously declare the whole trial invalid and order that another be conducted in a different location (Eleventh Circuit Court of Appeals, No. 01-17176, 03-11087). In an unusual move, contrary to United States norms and practice, the Government appealed against that historic decision and, in a divided vote, forced the Court of Appeals to reverse it.

That same year, on 27 May 2005, the United Nations Working Group on Arbitrary Detention concluded, for the first time in a case pertaining to the United States, that the deprivation of liberty of the Five was arbitrary and contrary to international agreements as a result of the violations committed during the legal process, and it urged the United States Government to take immediate measures to resolve the situation.

In addition to requiring the trial to be held in Miami, the Government took other steps to secure the most harsh and unfair sentences. During the selection of the jury it showed obvious racism by excluding the majority of African-American candidates. The District Attorney's Office permitted all manner of pressure and threats against the members of the jury, who were persecuted inside the building, harassed by crowds and hounded by journalists on the Government payroll and working for the terrorists, to such an extent that on several occasions they expressed fear and concern for their safety, which led the judge to complain and urge the Government to do something to remedy the situation (see official transcript of the trial, pp. 111, 112 and 14644-14646).

The so-called evidence against them, capriciously classified as secret, was wilfully manipulated in order to fabricate the main charges, charges which the Government itself and the Court of Appeals later acknowledged to be false. High-ranking military officials who appeared as witnesses or experts and reviewed the supposed evidence all, without exception, affirmed under oath that they had not found anything that indicated a search for secret information or that affected the national security of the United States (Rear Admiral Eugene Carroll, retired, official

transcript of the trial, pp. 8196-8301; Army Major General Edward Breed Atkeson, retired, ibid., pp. 11049-11199; former Commander-in-Chief of United States Southern Command General Charles Elliot Wilhelm, ibid., pp. 11491-11547; Air Force Lieutenant-General James R. Clapper, retired, ibid., pp. 13089-1335). In September 2008 the Court of Appeals sitting *en banc* unanimously found that there was no evidence whatsoever that the accused had gathered or transmitted secret information or that they had harmed the national security of the United States, and it therefore declared that the sentences for the second charge (conspiracy to commit espionage) were erroneous, vacated them and remanded Ramón and Antonio for resentencing (Eleventh Circuit Court of Appeals, No. 01-17176, D.C. Docket No. 98-00721-CR-JAL, pp. 70-81). However, in an astonishing show of discrimination, even though it acknowledged that the same should be done for Gerardo, it refused to do so, stating that he was already serving another life sentence.

As for Fernando González, for different reasons, the Court also declared the sentence erroneous, quashed it and remanded him for resentencing (ibid., pp. 67-69). It should be stressed that those "errors" cannot be attributed solely to the Court, since it handed down the exact sentences requested by the District Attorney.

There is no greater evidence of prevarication than the other life sentence given to Gerardo Hernández Nordelo for the third charge (conspiracy to commit murder).

In May 2001 the Government itself recognized that, in the light of the evidence presented at the trial, the third charge could not be proven due to an insurmountable obstacle for the prosecution. At the last minute, the Government requested a modification and, in a step acknowledged by the District Attorney to lack precedents, petitioned the Court of Appeals (emergency petition for writ of prohibition, pp. 1-8 and 27-31). Once the petition was denied, the most implausible thing happened: without asking a single question and in a matter of minutes, the jury found Gerardo guilty of an alleged crime that he did not commit and that the Government itself had recognized it could not prove.

This demonstrates beyond any doubt that the so-called trial in Miami was a sham, plain and simple. Intimidated, pressured and threatened, the jurors had spent seven months in a room filled with the same wrongdoers that the local media had shown kidnapping a child, defying the Government and the law and threatening to set fire to the city, and heard them ask the Court to give Gerardo the harshest sentence.

In spite of all that, the District Attorney's Office asked for and obtained a life sentence.

The disproportionate prison sentences imposed on the Five stand in stark contrast to those given in recent years to others accused of actual espionage, sometimes on an exceptional scale, and even to some linked to violent armed attacks against the United States. None of them was given a life sentence, all of them received lighter sentences than our comrades, some have already served their sentences and are now free, and others, convicted of espionage, have had the charges against them withdrawn by the Obama Administration and have been set free.

However, there is something even more revealing about the true nature of this whole process. It shows that the Government's aim was to protect and harbour the terrorists and to prevent their sinister plans from being discovered, thereby

providing cover-up and becoming accomplices in their future outrages. Thus, in addition to the exaggerated prison sentences, and in recognition of their heroic mission to fight terrorism, our comrades were given an additional restriction of "incapacitation" for after their release, to prevent them from doing anything detrimental to the terrorists again. It was expressed in the sentencing of René González in these words: "the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence and organized crime figures are known to be or frequent" (transcript of the sentencing hearing, 14 December 2001, pp. 45-46).

"Incapacitation" was so important for the United States authorities that the same prohibition was imposed on Antonio Guerrero, who is already serving a life sentence plus ten years. As for the other three comrades, born in Cuba, once they have served their sentences they will be immediately expelled from the United States. The terrorists there have nothing to fear. No subterfuge is needed when they announce new criminal acts openly, as they already do.

Those who have unjustly imprisoned Gerardo, Ramón, Antonio, Fernando and René are showing unforgivable mean-spiritedness towards their families by imposing cumbersome and frustrating procedures for obtaining the necessary visas to visit them, thereby ignoring the rights of the prisoners and their relatives. The situation facing Adriana Pérez and Olga Salanueva is particularly outrageous, since they have been systematically denied the chance to visit their husbands. The United States authorities have thus far refused them permission, turning a deaf ear to the repeated petitions from religious, human rights, trade union and intellectual organizations all over the world.

It is difficult to comprehend why Adriana has been treated so disgracefully. Gerardo is serving two life sentences plus 15 years; he has not seen his wife in 11 years and the Supreme Court has refused to consider his case. It was on 15 July, exactly a month after that outrageous decision and the day of their wedding anniversary, that the State Department chose to inform Adriana that, for the tenth time, she had been refused a visa, alleging that she is "a threat to the stability and national security of the United States".

Added to the irrational sentence imposed on Gerardo is this abominable and truly sadistic torment of two innocent young people, which should be strongly condemned by all humankind.

By refusing to review the case, the Supreme Court is closing off practically all legal avenues for resolving the situation. There remains only the resentencing hearings for Ramón, Antonio and Fernando before the same judge in Miami, who must be urged to release them immediately.

We are entering a new phase in which the United States Administration, and President Obama in particular, has greater responsibility.

The President has the constitutional authority and the moral obligation to ensure justice. He can and must do so. To that end he should order the withdrawal of the charges laid against our compatriots, since they have already been severely contested by the Court of Appeals and by his predecessor in the White House. He must do this if he wants to project an image of change towards Latin America and the world.

The terrorists are jubilantly celebrating the behaviour of the current Administration, which is continuing to guarantee impunity for Luis Posada Carriles and Orlando Bosch, the two men guilty of the mid-flight destruction of a civil aircraft that killed 73 people, while it cruelly punishes those who, without harming anybody, gave their youth to prevent the misdeeds of those and other criminals.

The National Assembly of People's Power appeals to all legislative bodies, parliamentarians, political and social organizations and people of good faith all over the world for support, and calls on them to join together in demanding the immediate release of Gerardo, Ramón, Antonio, Fernando and René. The men and women of Cuba, for whom they have given their lives, will fight tirelessly until they are returned, free, to the grateful homeland.

United Nations A/63/946

General Assembly

Distr.: General
14 August 2009

Original: English

Sixty-third session
Agenda item 160
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 7 August 2009 from the Secretary-General to the President of the General Assembly

I have the honour to refer to your letter dated 4 August 2009 concurring with my proposal to appoint Mr. Guy Delvoie, Mr. Howard Morrison and Sir Burton Hall as permanent judges of the International Tribunal for the Former Yugoslavia.

I have received a corresponding letter from the President of the Security Council (S/2009/387). Accordingly, I have appointed Mr. Delvoie, Mr. Morrison and Sir Burton Hall as permanent judges of the International Tribunal for the Former Yugoslavia, effective 1 September 2009, 31 August 209 and 7 August 2009, respectively, until 31 December 2010, or until the completion of the cases to which they will be assigned if sooner. Please find attached their curricula vitae (see annex).*

I should be grateful if you would bring these appointments to the attention of the members of the General Assembly.

(*Signed*) **Ban** Ki-moon

* The annex is being circulated in the languages of submission only.

09-46177 (E) 180809

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Annex

Curricula vitae

Guy Delvoie

PERSONAL INFORMATION	
Name	DELVOIE
Surname, other names	Guy Lucas, Martin
Address	Kaubergstraat 14 B- 3051 Sint Joris Weert BELGIUM
Telephone	32 16 38 86 88
E-mail	guy.delvoie@skynet.be
Nationality	Belgian
Date of birth	20 august 1947
Office	Court of appeals of Brussels
Address	Palais de Justice Place poelaert, B- 1000 Brussels BELGIUM
Telephone	32 2 508 66 37
E-mail	guy.delvoie@just.fgov.be

WORK EXPERIENCE (arranged in full time jobs)	
• Dates (from – to)	**April 2007 - present**
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	***President of the Brussels Court of appeals***
• Main activities and responsibilities	The bilingual Brussels court is Belgian's premier court of appeals. Presiding over the Brussels Court of appeals, a jurisdiction with some 70 full time professional judges handling appeals cases (criminal proceedings, civil, commercial and tax matters). Representation of the Court. Organising it's functioning. Controlling, to a certain degree the lower courts within its jurisdiction.
• Dates (from – to)	**October 1995 - March 2007**
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	***Judge and Section President***
• Main activities and responsibilities	Presiding over a section of the Court of appeals; handling and deciding appeals cases in civil and tax matters as well as criminal proceedings

Page 1 - Curriculum vitae of DELVOIE Guy, Lucas, Martin

• Dates (from – to)	JUNE 1988- DECEMBER 2003
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	Court Manager
• Main activities and responsibilities	Special office whereby one of the Section Presidents is appointed to oversee and coordinate management of the Court as a whole

	MAY 1985- OCOBER 1988
• Name and address of employer	Belgian Judiciary – Department Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	Judge
• Main activities and responsibilities	Handling and deciding appeals cases, in civil and tax matters as well as in criminal cases.
• Dates (from – to)	SEPTEMBER 1980 – MAY 1985
• Name and address of employer	Belgian Judiciary – Department of Justice + adres
• Type of business or sector	Brussels Court of first instance
• Occupation or position held	Judge
• Main activities and responsibilities	Handling and deciding cases at district court level, in civil, cases and in criminal proceedings
• Occupation or position held	Researcher
• Main activities and responsibilities	Conducting academic research and preparing academic publications

• Dates (from – to)	SEPTEMBER 1972 – SEPTEMBER 1980
• Name and address of employer	
• Type of business or sector	Brussels Bar
• Occupation or position held	Attorney,
• Main activities and responsibilities	associate to a member of the Supreme Court Bar; preparing and trying cases before Belgium's Supreme Court

WORK EXPERIENCE (completed in secondary activities)	
• Dates (from – to) Type of activity	1999 - 2003 Member of the academic board of the "Justice in the World Foundation", (with headquarters in Madrid, Spain)
• Dates (from – to) Type of activity	1987 - 2000 Member of the First Study Commisaion of the International Association of Judges ((International study commission within the I.A.J., The commission prepares and reviews comparative studies on matters of judicial organisation) Chairperson 1995 - 2000 Vice-chairperson 1991 - 1995 Belgian reporter 1987 – 1991
• Dates (from – to) Type of activity	January 1993 - April 1998 Member of the Flemish Council for Advertisement and Endorsements on Radio and Television
• Dates (from – to) Type of activity	September 1991 - June 1998 Lecturer at the Flemish School for Higher Education in Business; lecturing in the graduate program "Master in Tax Management"
• Dates (from – to) Type of activity	1987 – 1997 Founder and editor-in-chief of the Belgian Review for Civil Law
• Dates (from – to) Type of activity	1987 – 1991 Member of the Dispute Resolution Council for Non-Public Radio and Television Providers
• Dates (from – to) Type of activity	September 1985 - June 1990 Lecturer at the Vrije Universiteit Brussel (Free University of Brussels) for the course "Ethics of the Legal Profession"
• Dates (from – to) Type of activity	February 1974 - 30 June 1985 Assistant professor at the Vrije Universiteit Brussel (Free University of Brussels) for the course Family Law (Prof. Dr. G. Baetsman)

EDUCATION AND TRAINING

• Dates (from – to)	*June 1999 – May 2000 (3 weeks stay in Williamsburg in June 1999 - writing a paper on a specific court management project - stay of one week in Washington DC in May 2000)*
• Name and type of organisation providing education and training	*Institute for Court Management, National Centre for State Courts, Williamsburg, Virginia, U.S.*
• Principal subjects/occupational skills covered	*Court management*
• Title of qualification awarded	*Fellow of the Institute for Court Management*
• Dates (from – to)	*1997*
• Name and type of organisation providing education and training	*Department of Justice, Office of Continuous Learning for Judges*
• Principal subjects/occupational skills covered	*Court management*
• Title of qualification awarded	*Certificate of completion*
• Dates (from – to)	*1997*
• Name and type of organisation providing education and training	*Stichting Studiecentrum Rechtspleging (Foundation Study Centre on the Administration of Justice'), Zutphen, the Netherlands, 1997*
• Principal subjects/occupational skills covered	*Court management*
• Title of qualification awarded	*Certificate of completion*
• Dates (from – to)	*August 1973 and august 1974(first and second cycle)*
• Name and type of organisation providing education and training	*Faculté de droit comparé de l'Université de Strasbourg (School of Comparative Law of the University of Strasbourg, France).*
• Principal subjects/occupational skills covered	*Comparative Law*
• Title of qualification awarded	*Diploma first cycle and diploma second cycle*
• Dates (from – to)	*September 1968 – June 1972*
• Name and type of organisation providing education and training	*Ville Universitell Brussel (Free University of Brussels)*
• Principal subjects/occupational skills covered	*Law degree (5 years of legal eduction)*
• Title of qualification awarded	*Licencié en droit (JD equivalent), magna cum laude*

LANGUAGE SKILLS

MOTHER TONGUE	DUTCH	
OTHER LANGUAGES		
	FRENCH	(SECOND LANGUAGE, DAYLY USED IN THE BILINGUAL BRUSSELS COURT)
• Reading skills	excellent	
• Writing skills	excellent	see publications in French
• Verbal skills	excellent	
	ENGLISH	
• Reading skills	excellent	
• Writing skills	excellent	see publication in English
• Verbal skills	excellent	
	GERMAN	
• Reading skills	very good	
• Writing skills	good	
• Verbal skills	good	

JOB REQUIREMENTS	*All judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices...* *with experience in the fields of criminal law or international law, including international humanitarian law and human rights law.*
SKILLS AND COMPETENCES RELATED TO THE JOB REQUIREMENTS	The applicants appointment in April 2007 to one of the highest judicial offices in Belgium (president of the Brussels Court of appeals, in the Belgian Judiciary only outranked by the position of president of the Supreme Court) gives evidence as to the first requirement above. A solid experience in criminal law has been acquired in the course of a career of almost 30 years within the Belgian Judiciary (see details below) while judging criminal cases on the first instance level as well as in the appellate court and also in the "Cour d'assises" (jury trial). Ability to formulate independent judgment in sensitive and complex matters and unquestionable impartiality and integrity is evidenced by an outstanding judicial career, including years as Section President of criminal, civil and Tax sections of the Court of appeals of Brussels, and a term as Court Manager. . Knowledge of different legal systems and international legal matters acquired trough comparative studies and trough very active involvement, in the First Study Commission of the International Association of Judges, including five years as chairperson of the Commission. Proven record of French and English language proficiency, both in a domestic environment ((French) and in an international legal environment (verifiable e.g. through graduation from a U.S. Court management program and preparation of a 70 pages-long paper on court management in English).

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ORGANISATIONAL SKILLS AND COMPETENCES	Successful completion of various Court management programs in Belgium, The Netherlands and the United States of America. Numerous years as section president and a five-year term as Cour Manager of the Brussels Court of appeals. The latter position involves the organisation and management of Belgium's premier (and bilingual) appellate court.
TECHNICAL SKILLS AND COMPETENCES	Excellent PC-skills, including knowledge of WORD, EXCEL and POWER POINT
ADDITIONAL INFORMATION	CONTACT PERSONS : Johan Vlogaert Head of Unit External Aid investigations, European Anti-fraud Office (OLAF), European Commission e-mail: JOHAN.VLOGAERT@CEC.EU.INT The Honorable Louise Mailhot, Former judge at the court of appeals of Quebec, actualy strategic counsel to Fasken Martineau's Litigation and Employment Law Practice Groups Montréal Canada e-mail : lmailhot@fasken.com Klaus Decker Legal and Judicial Reform Public Sector Group – PREM Network e-mail: KDECKER@WORLDBANK.ORG. Karel De Gucht Minister of Foreign Affairs Karmelietenstraat 15 B-1000 Brussel e-mail: kab.bz@diplobel.fed.be

ANNEXES LIST OF PUBLICATIONS

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LIST OF PUBLICATIONS

Guy Delvoie

1) "Multi-eigendom: een nieuw rechtsbegrip met kwalificatieproblemen", R.W. 1973 - 1974, kol 1842.

2) "Het strafbeding in financieringshuurkontrakten, met enkele bijkomende beschouwingen over het karakter van art. 1213 B.W.: Dwingend of suppletief": Belgische rechtspraak in handelszaken, 1973, p. I-523.

3) "De regresvordering van de verzekeraar-wet bij strafrechtelijke veroordeling tot afzonderlijke straffen wegens inbreuk op de wegcode enerzijds en rijden onder invloed anderzijds", R.G.A.R. 1977, nr. 9708.

5) Noot onder Cass. 11 MEI 1979, Limburgs Rechtsleven, 1979, p. 172.

6) "Oudergeweld rond wieg en kinderledikant", R.W. 1979-1980, kol 2145.

7) "la famille de remplacement", Belgisch rapport voor het XIe congres van de "ACADEMIE DE DROIT INTERNATIONALE COMPARE", te Caracas, 29 augustus-5 september 1982, Brussel, Bruylant, 1982, p. 255 (G. Baeteman, G.Delvoie en S.BEX, co-auteurs).

8) "De woonplaats", artikelsgewijze commentaar van de artikelen 102 - 111 B.W. in losbladig basiswerk: Personen en familierecht, Kluwer, Antwerpen, juni 1984, bijwerking september 1988.

9. Tijdschrift voor Belgisch Burgerlijk recht/Revue de droit civil belge, tweemaandelijks tijdschrift voor rechtsleer en rechtspraak, als hoofdredacteur.

10. Noot onder Cass. 13 april 1988, T.B.B.R. 1988, p. 438.

11. "Goede wijn behoeft geen krans" , noot onder Cass. 24 april 1987, T.B.B.R. 1989, p. 64.

12. " Interactie tussen therapie en gerecht bij kindermishandeling" Congrespaper voor "CHILD PROTECTION TROUGH THERAPY", 2nd European Conference on Child Abuse and Neglect, Brussel, 24 - 28 april 1989, Vlaams Tijdschrift voor Gezondheidsrecht 1989,p. 279.; "Het kind", Tijdschrift Kind en gezin 90/1,

13. "De toegang tot de magistratuur in Nederland", Bulletin van de Internationale Unie van Magistraten, Maart 1990.

14. "Stichting Studiecentrum Rechtspleging", Bulletin van de Internationale Unie van Magistraten, maart 1990.

15. "Denkoefening Gerechterlijke Achterstand", Bulletin van de Internationale Unie van Magistraten, maart 1990.

16. "Een krans voor goede wijn : het navolgend hoger beroep" in Liber Amicorum prof.Em. E.Krings, p. 541.

17. "De nieuwe nietigheidsregeling van de artikelen 860 e.v. van het Ger. W.", commentaar op de wet van 3 augustus tot wijzigig van het Gerechtelijk Wetboek" , TBBR 1993, p. 36.

18. "Nog maar 'ns over misbruik en anti-misbruik", editoriaal in T.F.R. 1994, 179.

19. Note sous Brx. 17 mai 1994 R.G.D.C. 1994, 241

20. "Voor wie haar soms geweld aan doet", noot onder Gent 31 oktober 1994, R.W. 1994-1995, 1029

21. "De gerechtelijke achterstand gedemystifieerd", De Standaard 24 december 1994, p. 8

22. "De horizontale en verticale onafhankelijkheid van de rechter" A.J.T. 1995-96, Dossier nr. 8, 106

23. "L'arriéré judiciaire démystifié" Bulletin van de I.U.M. 1995, nr. 1, p. 9.

24. "Aujourd'hui je m'habille de mes rêves" Beschouwingen over rechtbankmanagement R.W. 1995-96, 834

25. "Reflexions sur le managment des juridictions et l'indépendance du juge" Bulletin de l'U.I.M., 1995, 2, p. 7

26. "De rechter-plaatsvervanger" Trema (Tijdschrift voor de (.uerl .) Rechterlijke Macht), october 1996, p. 316

27. "Over pianokrukjes en bijzettafeltjes : what's in a name (beschouwingen over plaatsvervangende rechters in het algemeen en "plaatsvervangende raadsheren om de gerechtelijke achterstand weg te werken in het bijzonder)", R.W 1996-1997, 169

28. "Conclusions de la première commission d'etude de l'Unio nInternationale des magistrats : Le recrutement et la formation des juges" Bulletin van Belgische Afdeling van de I.U.M., nummer 2/96

29. "Magistraat-coördinator : 'court manager'?" Vlaamse Jurist Vandaag, 1997, nr 4, blz. 02.

30. "Magistratenvreten is in", De Standaard 28/03/1998.

31. "La désignation et la formation du juge", in Traité d'organisation judiciaire comparée, Tome I, blz. 35-44; uitgave van «La Fondation Justice dans le Monde», 1999, Bruxelles, Bruylant en Zurich, Schulthess.

32. "De magistratenschool, voedstermoeder van de toekomstige magistratuur?" Ghilain Londers, co-auteur; TPR, 1999, blz.2161.

33. "Over vreugdekreten en tandengeknars rond vaststellingstermijnen", Informatieblad van de Nederlandse Orde van Advocaten te Brussel, 1998 – 1999, 74.

34. "Conseillers suppléants et résorbtion de l'arriéré judiciaire à la cour d'appel de Bruxelles", J.T. 1998, 387.

35. "Procesmanagement: een stap te ver?" Noot onder J.P.Saint Gilles, 9 juin 1999, R.G.D.C. 2000, p. 99.

36. "Revaloriser les relations entre le pouvoir judiciaire et les autres pouvoirs d'état", Justice dans le Monde, publicatie van de Fundaciòn Justicia en el Mundo, 1999, n° 4, p. 33.

37 "Pour une justice autogestionnaire", J.T. 2000, p. 191

38. "Wie kaatst …", Juristenkrant 13 september 2000.

39. "Weg met het gerechtelijk verlof?", De Standaard, 20 september 2000, p. 9.

40. "Muscles from Brussels, a muscled attempt to improve case handling in the Brussels Court of appeals" Managementthesis, mei 2000, niet gepubliceerd. Beschikbaar bij dienst Vorming van Magistraten van het Ministerie van Justitie en bij de Koning Boudewijnstichting.

41. "Over vadsige lijdzame en actieve rechters, three of a kind?"
in Hoge Raad voor de Justitie (ed.) "Gerechtelijke achterstand: geen noodzakelijk kwaad" Brussel, Bruylant 2004

42. "Rechtbankmanagement bij gerechtelijke achterstand: over vasttellingen, wachtlijsten en pleitprognoses"
in Depré, R., Plessers, J. & Hondeghem, A., (ed.) Management en beleidsvoering in de Belgische justitie: van internationale ontwikkelingen tot dagdagelijkse praktijk, Brugge, die Keure, 2004.

HHJ Howard Morrison CBE QC

Born Kent UK 1949

Pots-school VSO service Ghana 1968-9 the London University[law graduate LLB] Military service [Subaltern, Queen's Regt and subsequently Para Regt TAVR then RARO] and then development work in West and Central Africa [VSO officer responsible for Zambia and Malawi] Post-grad Bar final, Inns of Court School of Law, called to Bar by Grays Inn in 1977.

Private practice as a barrister from 1977 -1985 doing criminal, civil and family law cases when appointed as a Resident then Chief Magistrate of Fiji and, concurrently, Senior Magistrate of Tuvalu. Took Magistracy through first of two military coups intact, the second coup dismantled the constitution.

1988-89 Served as Attorney General of Anguilla getting anti drugs legislation through a very hostile Parliament and local legal community 1989- 2004 practice on the UK Midland Circuit in crime, sitting as a Assistant Recorder [1993] and Recorder [1997] in crime, family and civil cases. Appointed Queen's Counsel 2001.

In practice prosecuted cases for the Crown Prosecution Service, Customs and Excise and the Serious Fraud Office at the highest prosecutorial grade in each case and defended in the most serious rape and murder cases. Defence practice included Courts Martial in UK and Germany.

From 1997-2004 defending at the UN International Criminal Tribunals for Yugoslavia and Rwanda defending in genocide, crimes against humanity and war crimes allegations including two camp commanders [ICTY][Mucic and Nikolic] and a former Rwandan government Minister [Mugenzi][ICTR] charged with genocide. Created the procedure for dealing with cases of diminished responsibility at the ICTY in the case of Kovocavic.

Wide knowledge of international criminal and humanitarian and human rights law and a particular knowledge of the jurisprudence of the ad-hoc Tribunals for the former Yugoslavia and Rwanda, in particular command and superior responsibility and the three modes of joint criminal enterprise.

Various publications mostly in the field of International criminal law.

Member of the Race Relations and Equal Opportunities Committees of the Bar Council 1994-2003.

Master of the Bench, Grays Inn 2008

Appointed Circuit Judge December 2004. Authority to try all classes of cases. Extensive experience of teaching advocacy [Grays Inn] and international criminal, humanitarian and human rights issues at universities and conferences/seminars in the Middle East [Iraq, Dubai, Syria, Jordan and Egypt] , Australia [Distinguished Visiting Fellow, Castan Human Rights Centre, Monash University], Europe [including guest lecturer at the Scoula Superiore at the University of Cantania, Sicily] 2007 German Bar Conference, 2008 Chaired meeting of the completion strategies for the ICTY/ICTR, European University at

Florence. 2009 Co-chair expert meeting of the Amsterdam Centre of Interdisciplinary Research on International Crimes and Security and the USA for the IBA, British Council and independently. OBE [Services to Fiji] (1988), CBE [Services to international law] (2007)

Appointed visiting Senior Judge for the Sovereign Base Areas, Cyprus 2007

Appointed Trial Judge by the UN Sec General for the Special Tribunal for the Lebanon 2009

Member of Fijian and Eastern Caribbean Bars
Member of Justice, the Commonwealth Judges and Magistrates Association and British Institute for International and Comparative Law
Fellow of the Royal Geographical Society
Member of the Advisory Board, OUP Journal of International Criminal Law

Sir Burton Hall, Kt., KSS,
Chief Justice and Head of the Judiciary
(5 September 2001-present)
Commonwealth of the Bahamas

Birth: Nassau, The Bahamas, 10 December 1947

Education:

Sir Burton received an LL. B degree, with Honours, from the University of the West Indies in 1974 and the Legal Education Certificate of the Council of Legal Education of the West Indies in 1976.

Professional Life:

Sir Burton began his public service career in 1968 and served as a Probation Officer and Clerk in the House of Assembly before he began his legal studies.

He entered the Office of the Attorney General as an Assistant Counsel following his admission to the Bar in 1976. He progressed through the ranks of that Office (acting as a Stipendiary and Circuit Magistrate for two years) and held the post of Solicitor General when he was appointed to act as a Justice of the Supreme Court in October of 1990. As Solicitor General, he represented The Bahamas at several regional conferences dealing with drug trafficking and economic crimes.

He was confirmed as a Justice of the Supreme Court with effect from 1 February 1991 and served in that office (presiding over criminal, civil, constitutional and family matters) until he was appointed to the Court of Appeal on 1 April 1997. He demitted office as a Justice of Appeal on 4 September 2001 in order to assume his present post as Chief Justice and Head of the Judiciary.

During 1998, Mr. Justice Hall, as he referred to then, was appointed Chairman of the National Crime Commission. The Commission presented its report to the Government on 30 November of that year.

In 1999 Sir Burton was appointed to serve a three-year term as a member of the Administrative Tribunal of the Inter-American Development Bank, and, in 2002, was appointed for a further, and final, three-year term which ended in 2004.

In August of 2001, Sir Burton was elected by the General Assembly of the United Nations as *ad litem* Judge to the International Criminal Tribunal for the former Yugoslavia (ICTY).

In addition to his present duties, he is also Course Director in Constitutional Law and Legal Systems at the Eugene Dupuch Law School, Council of Legal Education.

In June of 2002, having completed the programme of the Commonwealth Judicial Education Institute at Dalhousie University School of Law, Halifax, Nova Scotia, Canada, Sir Burton became a Fellow of that Institute.

Honours and Awards:

As is customary in The Bahamas, on becoming Chief Justice, Sir Burton was made a Knight Bachelor by Her Majesty, Queen Elizabeth II (who has continued as the constitutional Head of State of The Bahamas since Independence in 1973).

In 2003, he was made a Knight of the Order of St Sylvester by His Holiness, Pope John Paul II. In 2004, Sir Burton was awarded the Pelican Alumni Peer award as outstanding alumnus of the University of the West Indies, Cave Hill Campus.

Professional Memberships:

Sir Burton is a member of the Commonwealth Magistrates' and Lawyers' Association; the Commonwealth Lawyers Association, and the International Law Association, and holds associate membership in the American Bar Association and the Canadian Bar Association.

Family Life:

Married with three children and two grandchildren

United Nations A/63/947

General Assembly

Distr.: General
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Sixty-third session
Agenda item 159
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 18 August 2009 from the Secretary-General to the President of the General Assembly

I have the honour to refer to your letter dated 4 August 2009 concurring with my proposal to appoint Professor Bakhtiyar Tuzmukhamedov as a permanent judge of the International Criminal Tribunal for Rwanda.

I have received a corresponding letter from the President of the Security Council (S/2009/404). Accordingly, I have appointed Professor Tuzmukhamedov as a permanent judge of the International Criminal Tribunal for Rwanda, effective 18 August 2009 until 31 December 2010, or until the completion of the cases to which he will be assigned, if sooner. Please find attached his curriculum vitae (see annex).*

I should be grateful if you would bring this appointment to the attention of the members of the General Assembly.

(Signed) **BAN** Ki-moon

* The annex is being circulated in the language of submission only.

Please recycle

Annex

Bakhtiyar Tuzmukhamedov (Russian Federation)

Born 30 March 1955

Professional career

1992-current. Counsellor of the Court, Constitutional Court of the Russian Federation. *Previous positions held at the Constitutional Court*: Senior Adviser, Head of Section, Counsellor of the Department of International Law, acting Head of the Department of International Law (on leave for the duration of graduate studies at Harvard Law School and for the durationof the United Nations field mission assignment)

1984-current. Professor of International Law, Diplomatic Academy, Moscow (part-time since 1992). *Previous positions held at the Diplomatic Academy*: Research Fellow, Senior Research Fellow, Associate Professor of International Law

1977-1984. Research Fellow, Law of the Sea Division, Institut of Merchant Marine (on leave for the duration of post-graduate studies)

Education

1993-1994. LL.M. candidate, Harvard Law School

1979-1982. Study and research for the degree of Candidat of Juridical Science, Moscow Institute of International Relations

1972-1977. Basic legal education, Moscow Institute of International Relations

Membership in professional associations

Vice-President of the Russian Association of International Law

Expert Board, PIR-Center (security and non-proliferation researc)

International Law Association, formerly co-rapporteur of the IlA Committee on Arms Control and Disarmament Law (Committee mandate copleted)

International Consortium — Forum on Challenges of Peace Opeations

Other related activities

Deputy Editor-in-Chief, Moscow Journal of International Law

Member of the Editorial Board, International Review of the Red Cross

Member of the Advisory Board, International Law in Domestic Courts

Adviser, United Nations Special Committee on Peacekeepig Operations (2009)

Member of the group of government and academic experts for th International Committee of the Red Cross study of customary norms of international humanitarian law (study published in 2005)

Civil Affairs Officer, United Nations Protection Force (UNPROFOR) United Nations Peace Forces (UNPF) in the former Yugoslavia (1994/95)

Member of the United Nations Institute for Disarmament Research study group on maritime confidence-building (study published in 1993)

Adviser, United Nations Ad Hoc Committee on the Indian Ocean (1987)

Recent publications in English

Scattered Reflections on the International Law in the Russian Legal Landscape, in *Regards d'une génération de juristes sur le droit international*, Paris, 2008, pp. 413-429.

The End of Contractual Disarmament? *Peace in Liberty/Festschrift fur Michel Bothe zum 70. Geburtstag*, Baden-Baden, Nomos Verlag, 2008, pp. 333-338.

Preemption of Trans-boundary Terrorist Threats: The Russian Perspective, *International Law Studies*, vol. 83, Newport, RI, 2007, pp. 83-95.

Keeping Pace with the Times? *Austrian Review of International and European Law*, vol. 8 (2003), 2005, pp. 205-209.

The ICC and Russian Constitutional Problems, *Journal of International Criminal Justice*, No. 3, 2005, pp. 621-626.

Maintaining the ABM Treaty regime by multiple actors: Options for the post-USSR space, *Crisis Management and Humanitarian Protection. Festschrift fur Dieter Fleck*, Berliner Wissenschafts-Verlag GmbH, 2004, pp. 593-610.

The implementation of international humanitarian law in the Russian Federation, *International Review of the Red Cross*, vol. 85, No. 850, 2003, pp. 385-396.

Russian Federation: the Pendulum of Powers and Accountability, in *Democratic Accountability and the Use of Force in International Law*, Cambridge University Press, 2002, pp. 257-279.

The Legal Dimension of Peace Operations, in *Challenges of Peace Operations: Into the 21st Century*, Elanders Gotab (Stockholm), 2002, pp. 61-74.

The Role of the Russian Constitutional Court in Protecting the Rights of Active Duty and Retired Servicemen, *The Air Force Law Review*, vol. 52, 2002, pp. 81-92.

Russian Forces in the Commonwealth of Independent States, *The Handbook of the Law of Visiting Forces*, Oxford University Press, 2001, pp. 417-441.

The Legal Framework of CIS Peace Operations, *International Peacekeeping*, vol. 6, No. 1, 2000, pp. 1-6.

United Nations A/63/948–S/2009/428

General Assembly
Security Council

Distr.: General
24 August 2009

Original: English

General Assembly
Sixty-third session
Agenda item 21
Question of Cyprus

Security Council
Sixty-fourth year

Letter dated 19 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 19 August 2009, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Fazlı **Çorman**
Chargé d'affaires a.i.
Deputy Permanent Representative

09-49133 (E) 250809

Please recycle

Annex to the letter dated 19 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 10 August 2009, addressed to you by the Greek Cypriot Chargé d'affaires a.i. and circulated as a document of the General Assembly and of the Security Council (A/63/939-S/2009/417), which yet again contains well-known allegations of violations of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following:

As stated in our previous communications addressed to you, habitually repeated allegations by the Greek Cypriot side of so-called "airspace violations" are totally unfounded and are rejected in toto by our authorities. The present allegations do not merit a detailed reply as they are of a similar nature. However, I wish to emphasize, once again, that flights within the sovereign airspace and flight information region of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State. The Greek Cypriot administration in South Cyprus has no jurisdiction or right of say over flights within the national airspace of the Turkish Republic of Northern Cyprus. Furthermore, it should be emphasized that allegations of so-called violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. I also deem it imperative to point out, once again, that the attitude demonstrated by the Greek Cypriot representatives in their constant repetition of false claims is nothing more than rhetoric, which unfortunately wastes the precious time and energy of the international community.

Lastly, I would like to put on record once again that the Turkish Cypriot side is ready and doing its best to achieve a settlement in the form of a new partnership that will be in the line with the established United Nations parameters and body of work. Bizonality, political equality of the two peoples, the equal status of the two constituent States and the continuation of Turkey's effective guarantee will constitute the parameters for a solution to the Cyprus problem. Removal of the existing isolations imposed on Turkish Cypriots and equal treatment of the two sides by the international community will surely contribute positively to the efforts towards reaching a comprehensive settlement in Cyprus.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus